

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TRUSTEES OF EMPIRE STATE
CARPENTERS ANNUITY,
APPRENTICESHIP, LABOR-MANAGEMENT **ADOPTION ORDER**
COOPERATION, PENSION, and WELFARE 15-cv-3855 (ADS)(ARL)
FUNDS,

Petitioners,

-against-

GLIDEWELL THERRIEN CONSTRUCTION
LLC,

Respondent.

-X

APPEARANCES:

Virginia & Ambinder LLP

Attorneys for the Plaintiffs

40 Broad Street

7th floor

New York, NY 10004

By: Charles R. Virginia, Esq.

Nicole Marimon, Esq.

Elina Burke, Esq., Of Counsel

NO APPEARANCES:

Glidewell Therrien Construction LLC

The Defendant

SPATT, District Judge.

On July 1, 2015, the Petitioners Trustees of Empire State Carpenters Annuity, Apprenticeship, Labor-Management Cooperation, Pension and Welfare Funds (collectively, the “Petitioners”) commenced this action pursuant to Section 502 of the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. § 1132; Section 301 of the Labor Management Relations Act of 1947 (“LMRA”), 29 U.S.C. § 185; and Section 9 of the Federal

Arbitration Act, 9 U.S.C. § 9, seeking to confirm an arbitration award (the “Award”) and Order rendered pursuant to a collective bargaining agreement between the parties.

On March 15, 2016, the Clerk of the Court noted the Defendant’s default.

On March 17, 2016, the Petitioners filed a motion for default judgment and in the alternative, to confirm an arbitration award.

On March 18, 2016, the Court referred the Petitioners’ motion to United States Magistrate Judge Arlene R. Lindsay for a recommendation as to whether the default judgment should be granted and, if so, whether damages should be awarded.

On February 27, 2017, Judge Lindsay issued a report (the “R&R”) recommending that the Award be confirmed and Petitioners be awarded the outstanding amount of the award of \$82,844.83 plus \$5,137.54 in attorneys’ fees and costs, for a total of \$87,982.37.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. See Coburn v. P.N. Fin., No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at *1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the R&R is adopted in its entirety. The Clerk of the Court is directed to enter judgment for the Petitioners in accordance with the R&R, and to close this case.

SO ORDERED.

Dated: Central Islip, New York

March 15, 2017

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge